

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL GARCIA,

Petitioner

vs.

No. CIV 18-0269 JB/SMV

MARK BOWDEN, Warden,

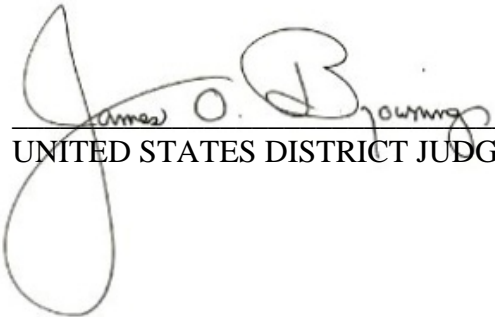
Respondent.

**MEMORANDUM OPINION AND ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS**

THIS MATTER comes before the Court on the Petitioner's Application to Proceed *In Forma Pauperis*, filed June 1, 2018 (Doc. 4) ("Motion"). Petitioner Michael Garcia seeks to prosecute his 28 U.S.C. § 2241 habeas petition without prepaying the \$5.00 filing fee. Pursuant to the in forma pauperis statute, the Court may grant such relief only where a prisoner's "affidavit [and] . . . statement of . . . assets [demonstrates] that the [prisoner] is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Garcia does not qualify under that test. He receives \$36.00 per month in wages, and his average monthly income from all sources is \$88.80. See Motion at 2, 5-6. The Court will therefore deny the motion, and Garcia must pay the \$5.00 filing fee within thirty days of entry of this Order or show cause for his failure to comply. Failure to timely comply with this Order may result in the dismissal of this action without further notice.

IT IS ORDERED that (i) the Petitioner's Application to Proceed *In Forma Pauperis*, filed June 1, 2018 (Doc. 4), is denied; (ii) Petitioner Michael Garcia must submit the \$5.00 filing fee within thirty days from entry of this Order or show cause for his failure to comply; and

(iii) the Clerk of the Court shall provide Garcia with two copies of this Order; and (iv) Garcia shall make the necessary arrangements to attach one copy of this order to his check.



UNITED STATES DISTRICT JUDGE

Parties:

Michael Garcia
Northeast New Mexico Correctional Center
Clayton, New Mexico

Petitioner Pro Se